

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4976, 4999, 5001
and 5017 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
2. To be referred to the Reporter or not? : YES
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

VASUDEV HARGOVANDAS PANCHAL

Appearance:

1. Special Civil Application No. 4976 of 2004
MR HARDIK C RAWAL for Petitioner No. 1
MR RC JANI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 23/04/2004

ORAL JUDGEMENT

Rule. Mr.Jani, learned Counsel appears for
respondent employees and waives service of Rule on behalf
the private respondent.

2. All the three petitions are preferred by the petitioner Corporation for challenging the legality and validity of the order passed by the Appellate Authority under the Payment of Gratuity Act, 1972 (hereinafter referred to as "the Act").

3. I have heard Mr. Hardik Raval, learned Counsel for the petitioner, Mr. Jani, learned Counsel for the respondent employees.

4. There is no dispute on the point that the questions which are raised in these petitions are covered by the decision of this Court dated 11-2-2004 in SCA No.8080/2003 and allied matters. Mr. Jani, appearing for the concerned respondent employees, states that his clients are also ready to forego the interest for delayed payment, if the Hon'ble Court is inclined to give the same directions for allowing the withdrawal of the principal amount which is already deposited by the petitioner Corporation with the Appellate Authority.

5. In view of the above, for the reasons recorded by this Court in the aforesaid decision dated 11-2-2004 in SCA No.8080/2003 and allied matters, I find that the present petitions deserve to be allowed and are allowed and as a consequence thereof, the orders passed by the Controlling Authority as well as by the Appellate Authority impugned in these petitions are quashed and set aside. However, it is further directed that the respondent employees of the concerned petitions shall be allowed to withdraw the principal amount as payment of gratuity and the amount of interest out of the amount deposited, if any, by the Corporation shall be refunded to the Corporation by the Appellate Authority/Controlling Authority forthwith. The petitions are allowed to the aforesaid extent. Rule made absolute accordingly. Considering the facts and circumstances of the case, there will be no order as to costs. In addition to the petitioners, office may also supply copy of the order to the respondent employees concerned.

23-4-2004 (Jayant Patel, J.)

